United Nations CMW/C/SR.327

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record (partial)* of the 327th meeting
Held at the Palais Wilson, Geneva, on Monday, 29 August 2016, at 3 p.m.

Chair: Mr. Brillantes

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* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 3.25 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention

Initial report of Honduras (CMW/C/HND/1; CMW/C/HND/QPR/1)

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

2. **Mr. Carranza Discua** (Honduras), introducing his country's initial report (CMW/C/HND/1) said that significant strides had been made in strengthening the legal framework and institutional infrastructure for the protection of the rights of both Honduran and foreign migrant workers. The National Congress had approved an agreement with the Office of the United Nations High Commissioner for Human Rights for the opening of a local office in Honduras, and it had ratified the Maritime Labour Convention of the International Labour Organization, granting seafarers access to social security and medical care in Honduras, a free repatriation service and other benefits. Following the implementation of the Act on the Protection of Honduran Migrants and Members of Their Families, protocols had been put in place for the provision of assistance to returning Honduran migrants, in particular child migrants. The Office of the United Nations High Commissioner for Refugees had signed agreements with the Directorate for Children, Adolescents and the Family and *Casa Alianza* on protecting children from forced recruitment and other forms of abuse and with the National Migration Institute on improving conditions for migrants requiring international protection. An amnesty had been declared relating to fines and charges imposed on foreign migrants in an irregular situation, who had been granted the right to regularize their situation in Honduras, and implementing regulations for the Trafficking in Persons Act had been adopted.

3. The Office of the Deputy Minister for Consular and Migratory Affairs and the Directorate-General for the Protection of Honduran Migrants had been set up to oversee the provision of consular services and protection. The Human Rights and Migrant Care Unit of the National Migration Institute had been created to provide humanitarian assistance and advice to migrants in an irregular situation and had helped to protect the rights of more than 40,000 such migrants to date. The Migration and Aliens Act was implemented in accordance with the Convention. Between 2010 and 2015, the number of non-documented migrants in transit through Honduras on their way to the United States of America had risen from 168 to more than 20,611. Safeguarding their rights had placed a heavy financial burden on Honduras. Four centres had been set up to house and assist such migrants, which had required an initial investment of over US$ 242,000 and would call for the allocation of around US$ 204,000 a year to meet ongoing maintenance costs.

4. No cases of abuse or violations of the human rights of migrants in transit through Honduras had been registered. The Public Prosecution Service had successfully carried out Operations *Coyote* and *Mesoamérica*, designed to tackle trafficking in persons, with 19 persons being sentenced to an average of 15 years' imprisonment for that offence in 2015. During the period 2015-2016, the Rapid Response Team and its civil society partners had assisted 75 victims of trafficking. The Ministry of Foreign Affairs and International Cooperation, through its offices in Belize, Mexico and Guatemala, had assisted 31 victims of trafficking for the purposes of labour and sexual exploitation. It had also assisted 10 Honduran victims wishing to remain in Mexico and had reunited a further 42 victims with their families. A national action plan for 2016-2022 had been prepared to guide activities aimed at combating trafficking in persons and an agreement had been signed with the Ministry of Development and Social Inclusion on secondary care for victims.

5. The Government provided migrant workers with information on their rights and obligations while abroad. Regulations had been introduced prohibiting recruitment agencies from charging job-seekers for their services. The General Labour Inspectorate had recruited an additional 64 inspectors to monitor the working conditions of documented workers and had set up workshops on labour migration and the informal economy for its officials. Since 2010, over 5,000 migrant workers had been registered and issued with documents.

6. The Solidarity Fund for Honduran Migrants disbursed US$ 5 million per year to assist Honduran migrants in difficult situations. The budget for the protection of Honduran migrants had increased by 68 per cent between 2014 and 2015. The Consular and Migration Observatory of Honduras had been set up in order to contribute to migration and consular policy design. Information campaigns had been conducted to raise awareness of the risks of irregular migration, leading to a 16 per cent drop in the number of Honduran migrants returned to the country in 2015. The Honduran consulates in Mexico and the United States had signed cooperation agreements with law firms for the provision of legal aid to Honduran migrants. A call centre set up to provide Honduran and foreign migrants with support had assisted over 98,000 persons in 2016. A migrant protection centre would be set up in Houston, Texas, by the end of 2016. Work was ongoing to issue all Honduran migrants in the United States, irrespective of their immigration status, with an identity document enabling them to access medical care, open a bank account and apply for a driving licence. That initiative would be expanded to cover Hondurans living in Mexico and Spain.

7. Three centres for returned migrants had been set up to provide information on social assistance, education and employment opportunities. To date, the Government had invested more than US$ 1.5 million in the three centres, which together had provided services for more than 40,000 persons, including 4,749 children. A number of social programmes had been launched to tackle poverty and discourage irregular migration, such as the "*Bono Vida Mejor*" cash transfer programme, which was designed to gradually increase the minimum income of 400,000 families living in extreme poverty. The State was currently implementing the Plan of the Alliance for Prosperity in the Northern Triangle, which was designed, inter alia, to create economic opportunities by boosting the productive sector. Over a two-year period, around 281,000 persons had been integrated into the labour market through a series of employment-promotion programmes. The 20/20 Programme, a joint public-private initiative worth US$ 13 billion, was expected to generate 600,000 jobs over a 10-year period. Through the "Institutional strengthening to promote decent work in Honduras" programme, the Government was working to tackle the causes of unemployment and underemployment as part of its strategy to address the problems that led Honduran young people to migrate to the United States.

8. **Mr. Ceriani Cernadas** (Country Rapporteur), observing that the migration situation in Honduras, and in Central America in general, was extremely complex and required a joint response by the various countries concerned, said that he would like information on what measures had been taken to align the Migration and Aliens Act of 2003 with the Convention. Information on any plans to adopt implementing regulations for the Act on the Protection of Honduran Migrants and Members of Their Families would also be welcome. In particular, he would like to know the target date for their adoption and whether civil society would be involved in drawing them up. He would also like more detail on the mechanisms and resources for the implementation of the Act, on any plans for training in how to deal with specific issues, such as the search for migrants who had disappeared in transit, and on how civil society would be involved in implementing the Act.

9. Noting that the Protocol on the Immediate Protection, Repatriation, Reception and Follow-up of Child Migrants of 2014 provided for alternatives to repatriation, he asked what special procedures had been put in place in cooperation with authorities in Mexico

and the United States in order to ensure that Honduran child migrants were dealt with on a case-by-case basis, with due regard to their best interests, any family ties they might have in the United States and any violence they might have experienced. It would be useful if the delegation could inform the Committee of any initiatives undertaken to improve the consular protection offered to Honduran migrants abroad, in particular child migrants and migrants transiting through Mexico. He wished to know whether any additional resources had been allocated to that end. For example, had specialist staff, including staff trained in providing assistance to women and children, been hired to serve at consulates? Further information on the legal assistance provided to Honduran migrants, including children, would also be welcome.

10. It would be helpful to learn whether data on Honduran migrants who had been deprived of their liberty were collected systematically and, if so, whether the information was disaggregated by age, sex, reason for detention, reason for migrating and other variables. Was information also gathered on the conditions of their detention and the services to which they had access? He would be grateful for additional information on migrants who had gone missing, especially in Mexico. Had any initiatives been undertaken in cooperation with the Mexican authorities to investigate such cases and ensure that, in the event of a migrant's death, his or her family was kept informed of any developments and, if the migrant was found to have been murdered, had access to justice? He wished to know whether programmes had been set up to support migrant workers who had been victims of crime and their families, in particular the families of victims of mass murders in Mexico. It would also be helpful if the delegation could provide information on the outcomes and effectiveness of the programmes organized for migrants who had returned to Honduras with disabilities and on the effectiveness of the various policies adopted to combat the underlying causes of migration from Honduras.

11. He would appreciate information on the proposed allocation of the financial resources received from the United States in the framework of the Plan of the Alliance for Prosperity in the Northern Triangle. It would also be useful to know to what extent the Solidarity Fund for Honduran Migrants was financed through deductions from remittances sent home by Honduran migrants and whether the various policies adopted to benefit migrants were commensurate with the very high value of those remittances. More information on the regulatory framework on migrant workers advocated by the Central American Integration System, including its purpose and aims, would be welcome. He also wished to know whether mechanisms had been implemented to collect qualitative and quantitative data on regular migration both to and from Honduras. Lastly, he would be grateful for more information on measures taken to protect the rights of migrant workers present in Honduras, in particular temporary workers from Guatemala and Nicaragua.

12. **Ms. Ladjel** (Country Rapporteur) said that, while the State party report revealed the existence of a solid legal framework and evident political will to implement the Convention, it also indicated that there were difficulties, notably with regard to irregular labour migration. It would be useful if the delegation could provide more information on the Inter-Agency Operational Agreement on the Management of Organized Temporary Labour Migration Programmes, in particular with regard to the results of the programmes in which Honduran migrant workers had participated. She would also be grateful for an assessment of the Migrant Children Task Force established in July 2014, including some idea of its impact on social integration and information on any lessons learned that might help to dissuade children from migrating. It would be helpful if the delegation could comment on the reported lack of awareness of the Convention among both public officials and the general public. She would welcome more information on the detention of migrants in Honduras and wished to know whether Hondurans or foreigners who endangered the lives of migrants could be prosecuted under the Criminal Code. An assessment of the

effectiveness of the Strategic Comprehensive Care Programme for Honduran Migrant Children and Adolescents and Their Families 2015-2019 would also be appreciated.

13. **Mr. Tall** said that additional information on the implementation of article 14 of the Act on the Protection of Honduran Migrants and Members of Their Families would be welcome, including an account of any difficulties encountered and an assessment of its effectiveness. Paragraph 14 of the State party report stated that there was no record of violation of the rights of migrant workers, whereas paragraph 16 indicated that domestic legislation was being strengthened with a view to preventing abuse faced by migrants in transit to other countries. Those two statements appeared to contradict each other. Could the delegation provide clarification? He also wished to know what had happened to the 100 or so Haitian migrants who had recently been arrested near the Honduran border. Lastly, it had been reported that thousands of children had fled Honduras to escape from gang members who had forced them to sell drugs. Could the delegation provide an update on any measures taken to combat that problem?

14. **Mr. Kariyawasam**, observing that the current politicization of migration in the United States could have ramifications for the rights of migrant workers from Central America, said that it would be useful to learn what institutional arrangements had been put in place to enable the State party to respond to such regional developments. He would also welcome further information on any measures taken to ensure that unaccompanied children who had been returned to Honduras received the necessary assistance. In that connection, he wished to know whether the State party had any bilateral agreements with other countries in the region, especially Mexico and the United States, on the treatment of child migrants and, if so, what those agreements entailed. He also wondered whether the Government was working with civil society organizations to address the problems faced by migrant children, whether any mechanisms or institutions had been established to provide support to them and what measures had been taken to protect children from trafficking.

15. **Ms. Dicko** asked which governmental and non-governmental bodies had been involved in the preparation of the State party report. She also wished to know whether any agreements had been signed with prominent countries of destination on the social security rights of migrant workers.

16. **Ms. Landázuri de Mora** asked whether the overall impact of the temporary protected status agreement affording protection to Honduran migrants in the United States had been positive or negative and how the Government was dealing with any possible negative effects of the agreement on those migrants and their families.

17. **Mr. El Jamri** asked whether the protocol on the repatriation of unaccompanied minors covered migrant children in Honduras as well as Honduran migrant children abroad. He also wondered how responsive other States had been in establishing protections for migrant children in accordance with both the protocol and international instruments that required them to protect children present in their territory. Noting that poverty and violence were often cited as root causes of migration, he asked whether it was a common dream among Honduran families for one of their family members to migrate and live abroad and, if so, whether the responsibility of parents and society in that regard was acknowledged. He would also like to know what the State party was doing to raise awareness of the Convention among law enforcement officials and among migrant workers themselves. He would welcome information about the Government's expectations for its partnership with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras.

18. **Mr. Núñez-Melgar Maguiña** asked whether an agreement on the safe overland transport of returning migrants had been signed with countries other than Mexico. He requested further information about that agreement, including information about the

funding allocated for its implementation. He also wished to know more about the seed capital provided to promote the reintegration of migrants who had returned to Honduras. Noting the wide discrepancies in figures on the value of remittances from Honduran migrants abroad, he asked the delegation to provide reliable data in that regard, if available. He also wished to know about the impact of those remittances on the Honduran economy and whether there were any specific programmes in place to maximize their impact.

The meeting was suspended at 4.35 p.m. and resumed at 5.10 p.m.

19. **Mr. Aguirre Córdova** (Honduras) said that the Migration and Aliens Act predated the ratification of the Convention by Honduras. However, pursuant to the Constitution, the Convention took precedence over the Act, and even over the Constitution itself. The National Migration Institute had been established as an independent body responsible for coordinating the drafting of new legislation that was in line with international standards. OHCHR would provide technical assistance for that purpose. The tender process for the recruitment of a consultant to help draft the legislation was currently under way.

20. A fourth centre for the care of migrants in an irregular situation had recently been established. All four centres were now fully operational. They provided migrants with medical and psychological support and ensured that their fundamental rights were respected. In most cases, migrants remained at the centres for no more than 24 hours while the necessary paperwork was completed so that they could leave the country and continue their journey. In some cases, migrants who did not possess the necessary identification documents might stay at one of the centres for a few days until those documents could be issued. Such had been the case with some Haitian migrants, who had been arrested by the police for not holding proper identification. They had subsequently been referred to the Institute, which had helped them to obtain the necessary documentation. The Government had not received any reports of abuse of migrants in the centres by the authorities. It was aware, however, that the holding of migrants in the centres, even for a very short time, could be considered a form of detention, and the new migration legislation currently being drafted would specify the conditions of such detention and ensure that it was in line with the Convention.

21. **Ms. Amador** (Honduras) said that, in May 2012, an international and inter-institutional agreement had been signed on the exchange of information about missing migrants. The coordination mechanism established pursuant to that agreement was led by the Ministry of Human Rights, Justice, the Interior and Decentralization and included representatives of other government bodies as well as civil society organizations, such as the Committee of Families of Missing Migrants from El Progreso. The Ministry of Development and Social Inclusion carried out support and reintegration programmes aimed at discouraging irregular migration. In addition, multilateral and bilateral programmes were in place to improve channels for regular migration and to tackle the root causes of migration. One example was a programme of comprehensive care and social protection for vulnerable women, children and adolescents, including unaccompanied minors. The Ministry also focused on raising awareness among the general public about the risks associated with irregular migration.

22. Honduras had extended an open invitation to any special procedures mandate holders or other representatives of OHCHR who wished to visit the country, and in July 2016, the National Congress had approved the establishment of an OHCHR country office in Honduras. The Government was eager to make the most of its relationship with OHCHR so that it could benefit from the latter's experience and knowledge as it strove to implement the recommendations of the various human rights bodies. A special working group had been established in 2014 to ensure that the State fulfilled its obligations under international human rights instruments in a timely manner. That group comprised representatives of all three branches of the Government and of civil society. The Government had invited several

civil society organizations to take part in the preparation of the State party's report and was committed to working hand in hand with them.

23. **Mr. Villanueva** (Honduras) said that temporary migrant workers from neighbouring countries were recruited on a seasonal basis to work on coffee plantations, many of which were located near the borders, particularly in the Department of El Paraíso on the border with Nicaragua. There were no statistics available on the exact number of migrant workers recruited for such purposes, but the International Labour Organization had conducted a study on the working conditions of migrant workers in El Paraíso, the findings of which could be provided to the Committee. Honduras had signed agreements with Canada and Spain that provided for temporary employment of Honduran nationals. The aim of those agreements was to promote orderly migratory flows and curb irregular migration to the United States of America and Europe. Between 2007 and 2015, 581 Hondurans had been recruited under those agreements to work in agriculture and some service sectors. The number of beneficiaries of the Canadian programme had peaked in 2012; at the same time, migration to Spain had diminished owing to the economic and employment crisis in that country.

24. Private recruitment agencies were regulated by the Ministry of Labour and Social Security, which had strengthened its oversight capacity by hiring an additional 64 labour inspectors. Their role was to review the general working conditions of documented foreign workers and to ensure that recruitment agencies abided by the law and did not engage in prohibited practices, such as charging workers a fee for their services.

25. **Mr. Carranza Discua** (Honduras), replying to the question about migrant workers who had returned to Honduras with a disability, said that the Ministry of Labour and Social Security had launched a social inclusion and competitiveness initiative and an employment platform called "*Empléate Plus*" which was open to anybody with a disability and which had created over 150 jobs in the first six months of its existence.

26. **Ms. Medrano** (Honduras) said that, although implementing regulations for the Solidarity Fund for Honduran Migrants had not yet been adopted, the National Council for the Protection of Honduran Migrants, created pursuant to the Act on the Protection of Honduran Migrants and Members of Their Families, was empowered to formulate proposals, recommendations and bills with a view to implementing the Act. The Council had approved the budget proposed by the Ministry of Foreign Affairs for the establishment of the protection services to be provided to Hondurans living abroad and to returning migrants. Draft implementing regulations had been drawn up and would be reviewed and approved by the Council in due course. The Solidarity Fund was financed from the exchange rate applied to remittances from Honduran migrants.

27. The Government's policy was not necessarily to repatriate child migrants. It sought to strengthen existing mechanisms such as the Central American Minors — Affidavit of Relationship programme, whereby Honduran children and adolescents could be granted permission to emigrate legally to the United States. An agreement had been signed with the organization Kids in Need of Defense (KIND) to ensure that children housed in shelters in the United States received legal assistance. Children and adolescents who had been repatriated from the United States were provided with care at a special centre upon their return. Since the creation of the Migrant Children Task Force in 2014, the country had seen a significant fall in the number of the unaccompanied children and adolescents leaving the country. A safe return mechanism for Central American nationals had been established through a memorandum of understanding signed by El Salvador, Guatemala, Honduras, Mexico and Nicaragua. Between 2011 and 2016, 205,880 Hondurans had returned to the country by means of that mechanism. A proposed amendment to the memorandum of understanding would strengthen safeguards for vulnerable groups, including children and adolescents.

28. In respect of consular protection policy and mechanisms, Honduras had set up three new consulates at high-demand locations in Mexico and had allocated human and budgetary resources and vehicles in order to improve protection for Honduran migrants. Consular staff at various locations in Mexico and the United States had received training relating to the human rights of migrants, especially vulnerable groups, such as children and adolescents. That training had been supported by OHCHR and the International Organization for Migration. Honduras had also opened a consulate in Charlotte, North Carolina, in the United States and a further two consulates would be opened once approval had been received from the Government of the United States. With the support of the Solidarity Fund for Honduran Migrants, all consular offices had been strengthened in order to assist Hondurans abroad, particularly those in urgent need.

29. The Consular and Migration Observatory of Honduras had identified 1,105 Hondurans deprived of their liberty in Europe and in the Americas, of whom 82 per cent were men. They had been imprisoned for a variety of crimes, including murder, sexual abuse, drug offences, extortion, theft, kidnapping, and trafficking in persons. As to missing migrants, Mexico was the country in which the greatest number of Hondurans were known to have disappeared. Honduran consular officials worked with Mexican judicial officials and human rights and civil society organizations to address issues relating to migrants who had been deprived of their liberty, had disappeared or had been victims of crime. All Honduran consulates in Mexico and the United States had signed agreements with law firms for the provision of pro bono assistance on criminal, administrative and migration-related matters. To identify missing persons, Honduras had signed an agreement with the Argentine Forensic Anthropology Team, to which it had referred 358 cases. The remains of 23 Honduran nationals who had disappeared in Mexico and the United States had been identified on the basis of samples provided by family members.

30. **Mr. Ceriani Cernadas** said that he would be interested to learn whether Honduras had undertaken any bilateral initiatives with Mexico to ensure that protection measures were in place for Honduran migrants who encountered difficulties in that country. He wondered if the delegation could provide statistics on the phenomenon of repeat migration by children and adults who returned to Honduras. He would also welcome information on what was being done to address the causes of such repeat migration, for example by assisting returnees in finding employment. In addition, he would like to know whether any specific consular or legal measures had been taken, or bilateral agreements reached, with a view to ensuring that Honduran migrant children were not deprived of their liberty in Mexico or the United States. He also wondered whether any consular assistance was provided to prevent the automatic repatriation of Honduran migrant children from Mexico, for example in cases where the child was fleeing from a situation of violence in Honduras or was en route to join family in the United States. The delegation's statement regarding a reduction in child migration did not coincide with figures from Mexico, which indicated that the number of Honduran minors detained and repatriated had increased every year since 2011. He would appreciate clarification in that regard.

31. He would welcome additional information on the articles of the Labour Code that established that 90 per cent of jobs and 85 per cent of the wages paid by firms must go to Honduran nationals, thus placing limits on the employment and the pay of foreign workers in Honduras. It was unclear to him whether temporary protected status in the United States was open to all Honduran nationals or was reserved for victims of hurricanes or other extreme events, and he would appreciate clarification in that regard. He would also like additional information on whether there was any mechanism to enable the families of migrants who had been killed while outside the country to have access to justice and reparation. Additional detail on the initiatives and programmes for returned migrants with disabilities would also be welcome, particularly in terms of how successful they had been in enabling such persons to find employment. Lastly, he wished to know whether the training

for consular officials had been evaluated to determine whether it had led to any improvements in their capacity to provide legal assistance to Honduran migrants.

32. **The Chair** said the Committee had received information indicating that human rights defenders in Honduras faced serious threats to their safety and their lives. He invited the delegation to comment on those reports. The Committee would also welcome information on how unaccompanied children were able to reach the border.

The meeting rose at 6 p.m.

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record of the 328th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 30 August 2016, at 10 a.m.

Chair: Mr. Brillantes

Contents

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Honduras (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Honduras (continued) (CMW/C/HND/1; CMW/C/HND/QPR/1)

1. *At the invitation of the Chairperson, the delegation of Honduras took places at the Committee table.*

2. **The Chair** invited the delegation to continue replying to the questions asked at the previous meeting.

3. **Ms. Medrano** (Honduras) said that 1,722, or 4 per cent, of the Honduran migrants repatriated from Mexico or the United States of America between January and August 2016 had attempted to emigrate again. They included minors and adults, some returned overland from Mexico and some deported by air from the United States. On the question of preventing the detention of child migrants, the position of Honduras was in accordance with article 37 of the Convention on the Rights of the Child, and the Government was in dialogue with the Government of the United States on the matter.

4. As to the impact of the Migrant Children Task Force, she said that, during the two years of its existence, the Office of the Deputy Minister for Consular and Migratory Affairs had been established, new consulates had been created in Mexico and the United States, consular staff had been trained and the budget for support of Hondurans abroad had been increased. There had also been campaigns to dissuade Hondurans from attempting irregular migration. To date in 2016, nearly 6,000 Hondurans had received legal aid, principally in Dallas and New Orleans in the United States; in Chiapas, Mexico; and in El Salvador. The Government had not yet conducted any evaluation of the impact of measures such as agreements with pro bono lawyers and training for consular staff, as those arrangements had not been in place long enough. The impact would seem to be positive, however, given the reduction in the number of complaints alleging that officials had failed to respond. The State intended to develop indicators for the evaluation of those measures.

5. Honduran consulates in the United States were working with the Colibrí Centre for Human Rights to identify human remains found at the border and to search for Honduran migrants who had gone missing en route to the United States. Arrangements were being made to obtain DNA from families for comparison with unidentified remains. The search process was triggered by an application to the Ministry of Foreign Affairs, either from a non-governmental organization (NGO) or a family. The application was forwarded to Honduran consulates in Mexico and the United States, and they carried out a search, in cooperation with the local authorities, in hospitals, migrant centres, prisons and morgues. If that search yielded nothing, the investigation continued. Assistance was enlisted from the Data Bank on Missing Migrants and the Argentine Forensic Anthropology Team, which helped by taking DNA samples; to date, 23 Hondurans who had died while migrating had been identified using those procedures.

6. Under the Victims Act of Mexico, Honduran consulates in that country were able to arrange for indemnification of families and repatriation of the remains of Hondurans who had died as a result of a crime. In one case 500,000 Mexican pesos had been awarded to the families of two such victims. Honduran consulates in Mexico had received 120 requests for humanitarian visas.

7. With regard to alternatives to repatriation for children and adolescents who claimed to be victims of violence, Honduran consulates worked with the Office of the United Nations High Commissioner for Refugees to obtain temporary residence permits; in Mexico such residence was authorized through the issuance of humanitarian visas, while in the

United States the procedure was one of permanent regularization. The number of children being returned to Honduras seemed to be going down: the figures for January to July 2016 were 12 per cent lower than those for the same period in 2015. It would appear that children who made it to the United States or Mexico were taking legal steps to obtain regular status and family reunification. In addition, since the implementation of the Southern Border Programme in Mexico, more children were remaining in Mexico and fewer were reaching the United States. Temporary protected status was granted in the United States only in exceptional circumstances; it was not open to all Hondurans. As of July 2016, that status had been renewed until 2018 for some 53,000 Hondurans.

8. The four main areas addressed by the investment programme of the Alliance for Prosperity in the Northern Triangle were development of human capital, boosting of the productive sector to create economic opportunities, citizen security and access to justice and institution-building in areas such as promotion and protection of human rights. Additional information on the budget and expected outcomes of the programme could be provided if the Committee so wished.

9. **Ms. Ancheta Castro** (Honduras) said that Honduras had a system for ensuring the safety of human rights defenders. Work was ongoing on procedures and manuals for the implementation of the system. The National Council for the Protection of Human Rights Defenders, which comprised various ministries and representatives of civil society, had received 38 requests for protection between July 2015 and June 2016, from various sources including the inter-American human rights system, not only for human rights defenders but also for journalists and justice workers. The National Congress had allocated 10 million lempiras in 2016 for the implementation of the Special Act on Protection of Human Rights Defenders, and implementing regulations for the Special Act had been adopted.

10. The Convention had been publicized by the officials of the 45 State institutions represented on the working group responsible for the State party's report. The National Migration Institute coordinated training with a human rights focus for institutions working with migrants. Training was also provided for law enforcement officials on due process with regard to deprivation of liberty and on the upholding of rights. With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Organization for Migration, the Ministry of Foreign Affairs provided training to consular staff in Mexico and the United States on the human rights of migrants and vulnerable groups and on migrants' labour rights.

11. The agreement for the opening of an OHCHR country office, at the request of Honduras, demonstrated that the State was determined to fulfil its human rights obligations. The Government hoped to strengthen the country's human rights system with technical cooperation from OHCHR. Support had already been received for the strengthening of the human rights defender system, the reform of the Criminal Code and the launch of a system to follow up on human rights recommendations. The Government was working to strengthen participatory mechanisms for the preparation of human rights reports and follow-up to treaty bodies' concluding observations.

12. **Mr. Aguirre Córdova** (Honduras) said that the 2016-2022 action plan recently adopted by the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons aimed to combat sexual exploitation and human trafficking by applying a range of guiding principles designed, among other things, to safeguard the best interests of the child and protect confidentiality in proceedings, and to ensure prompt action, non-revictimization and non-discrimination. Migration within Honduras took the form of transit through the country, mainly by Africans, Cubans and Haitians. Even if migrants entered without documentation, they were permitted to stay for five days in order to regularize their situation. Strictly speaking, under the law they were liable to a fine, but for humanitarian reasons and in light of international human rights

obligations, including under the Convention, the State allowed them that latitude. Honduras had thus effectively become a humanitarian corridor, in which the treatment of migrants stood in stark contrast to the difficulties, and in some cases the atrocities, faced by Honduran migrants.

13. **Mr. Villanueva** (Honduras) said that Honduran seafarers under contract to foreign shipping companies enjoyed social security protection that was similar to that provided to self-employed workers in Honduras. In June 2016 the Ministry of Labour and Social Security had signed a special agreement on working conditions aboard ship with a Spanish company, covering initially 150 seafarers in a variety of jobs. The workers were covered by the Honduran social security system, supplemented by private insurance schemes, against illness, accidents and other risks, and were entitled to receive medical treatment during service.

14. Under the Constitution, all else being equal, Honduran employers were required to give preference to Honduran nationals in hiring. Workforces were required to comprise at least 90 per cent Honduran nationals, who should receive no less than 85 per cent of the company's total wage payments, although exceptions were possible under Honduran law. Labour inspectors checked employers' compliance with the quotas and also checked whether foreign workers had the required permits. If a migrant worker was found to be undocumented, the employer was given three days to correct the labour irregularities and comply with the regulations. Labour inspectors also ensured that working conditions and remuneration for both Honduran and foreign workers were in accordance with the law. In case of violations, foreign workers could file complaints with the Ministry of Human Rights, Justice, the Interior and Decentralization and the National Migration Institute.

15. **Mr. Carranza Discua** (Honduras) said that the Social Inclusion and Competitiveness Programme encouraged public-private partnerships to improve the employability of persons with disabilities. It brought together representatives of civil society, State institutions and organizations of persons with disabilities, as well as training specialists. The Prevention, Peace and Harmonious Social Relations Office, for which the Office of the Deputy Minister for Preventive Security acted as technical secretariat, coordinated strategies to prevent violence, femicide and trafficking. Seed capital and technical assistance were provided to women who had been victims of violence to enable them to start businesses. The Office also coordinated projects for children and youth, which thus far had benefited nearly 24,000 vulnerable young people. One such project, run in coordination with the Office of the First Lady and the United Nations Development Programme, aimed to promote a culture of peace and non-violence and to reintegrate returning migrants.

16. **Mr. El Borai** said that he would like clarification of the figure of 85 per cent cited by the delegation with reference to remuneration for foreign workers. If that figure referred to pay levels, then it would not be in compliance with the Convention or with International Labour Organization standards on equal pay for equal work.

17. **Mr. Ceriani Cernadas** (Country Rapporteur), noting that the Committee had received information indicating that the Honduran Army had been involved in an intervention involving migrants in 2014, asked what impact that action had had on the human rights of those affected. He also asked whether members of the armed forces continued to intervene in migration-related matters and, if so, what human rights training they received.

18. He would like to know whether families could lodge claims with the Office of the National Commissioner for Human Rights or the Public Prosecution Service concerning migrants who had disappeared or fallen victim to crime in Mexico or elsewhere. He would welcome information on any measures in place to strengthen the Office's independence in

order to enhance its capacity to protect migrant workers and their families. With regard to migrants held in detention centres, in the United States, he wondered if the approach and the steps taken by Honduran consulates varied depending on whether the centre was operated by the Government or by a private firm. He also wondered whether Hondurans who had been granted temporary protected status in the United States were obliged to repeatedly apply for renewal of their status or whether they were eventually able to obtain permanent residence.

19. He understood that overland repatriation from Mexico was not always carried out in accordance with that country's bilateral agreement with Honduras and would like to know whether the State party had taken action on that issue. The number of humanitarian visas granted to children and adolescents in Mexico seemed extremely low by comparison with the very high percentage of children who were repatriated and the number of children who had originally migrated to escape situations of violence in Honduras. As to children repatriated from Mexico, how did they get to the reception centre in San Pedro Sula and what then happened to them? Was an individual assessment carried out to determine their need for protection measures? He wondered whether the State party could provide statistics on the numbers of children who were repatriated to Honduras and subsequently met a violent death, for example at the hands of a gang.

20. It would be interesting to know whether the causes of migration were taken into account in the State's policy responses to broader issues. For example, given that discrimination could prompt migration, was migration addressed in the 2014-2022 National Policy on Racism and Discrimination against Indigenous and Afro-Honduran Peoples?

21. **Ms. Ladjel** (Country Rapporteur) said that she would like to know more about the role of State institutions in implementing legislation, coordinating the work of the various sectors and conducting studies to improve knowledge of migration-related issues. She wondered whether any evaluation had been done of the impact of the Inter-Agency Operational Agreement on the Management of Organized Temporary Labour Migration Programmes. The responsibility of families in child migration had to be acknowledged. The fact that children were often encouraged to leave on their own, sometimes in an atmosphere of fear and insecurity, hampered progress in the prevention of irregular migration. Were there any regulatory measures in place to address that issue? It was hard to understand why such migration should take place at all: was there no other way of making children's lives safer or protecting them, for example by placing them in shelters or reception centres? Lastly, she would like to know what support was provided to NGOs working in the field of migration. Their contribution was without doubt a complement to the State's own efforts.

22. **Ms. Dzumhur** asked whether the National Plan to Combat Commercial Sexual Exploitation and Trafficking in Persons had been adopted and what steps the Government intended to take to ensure that it was fully implemented. She would also appreciate some information about the State party's policy on gender equality. Lastly, she wondered what had happened to prompt the downgrading of the national human rights institution from "A" to "B" status and how the State was acting on the recommendations that had been made during the review.

23. **Ms. Landázuri de Mora** asked where migrants in transit through Honduras could turn for help if they could not prove their nationality and had no consulate in the country to help them obtain identity documents. Persons who were forced to migrate or forcibly expelled frequently had great difficulty in reintegrating in their own country, a situation that drove many of them into the arms of organized crime, gangs or traffickers. It was important to address that issue in the dialogue with destination countries with a view to joint action. She would welcome the delegation's thoughts on that matter.

24. **Mr. Tall** said that he would welcome examples of the types of administrative sanctions that might be imposed on migration officials for abuse of authority or corruption. He also wished to know whether any investigations of complaints against migration officials were currently under way and whether any statistics could be provided on the number of complaints that had led to criminal proceedings.

25. According to paragraph 105 of the State party report, migrants in an irregular situation were not considered to be migrant workers, which was at odds with the definition of "migrant worker" in article 2 (1) of the Convention. In that connection, he wished to know what steps were being taken to harmonize the Migration and Aliens Act with the provisions of the Convention. The State party report indicated that migrants in an irregular situation were held in National Migration Institute centres for 24 to 48 hours; he wondered what happened once that period had elapsed. Were cases referred to a judicial authority, for example? He asked what measures had been taken to ensure that migrant workers and members of their families, particularly those in an irregular situation, had access to basic public services, such as health care and education, and could register births at civil registry offices. Lastly, he would like further detail on the situation of the Haitian migrants arrested near the Honduran border to whom he had referred in the previous meeting.

The meeting was suspended at 11.15 a.m. and resumed at 11.55 a.m.

26. **Mr. Carranza Discua** (Honduras) said that Honduras was facing an unprecedented crisis owing to widespread violence stemming from transnational and cross-border crime. The resources of national institutions were being stretched to their limit in the effort to tackle the poverty, violence and insecurity that plagued Honduran society and threatened the enjoyment and effective exercise of human rights in the country. For that reason, the Government had been forced to call upon the armed forces to reinforce internal security and bolster the civil police and security forces. The intervention of the armed forces was a temporary measure, instituted in accordance with the Constitution and in compliance with the State's human rights obligations. Every effort was being made to ensure that the members of the military involved received appropriate training on their human rights obligations. Any human rights violations committed by those forces were subject to impartial investigation and the perpetrators would be prosecuted in civil proceedings.

27. Temporary labour programmes had been established with other countries, most notably with Canada and Spain, with a view to enabling Honduran migrant workers to obtain employment overseas while simultaneously stemming the flow of uncontrolled, irregular migration and reducing poverty. Between 2007 and 2015, almost 600 Honduran migrants had benefited from such programmes, with most working in the food processing and agricultural industries; the total income earned by those workers amounted to almost US$ 16 million.

28. **Ms. Amador** (Honduras) said that the value of remittances from Hondurans living abroad had risen from US$ 440.6 million in 2000 to US$ 2.7 billion in 2015. Remittances had accounted for 18 per cent of the country's gross domestic product in 2015.

29. The National Plan to Combat Commercial Sexual Exploitation and Trafficking in Persons covered the period 2016-2022 and laid out a range of measures designed to prevent, combat and raise awareness of commercial sexual exploitation and trafficking; prosecute the perpetrators of those offences; and promote intersectoral coordination with a view to improving detection of cases and providing comprehensive support to victims. A variety of awareness-raising measures had been launched to sensitize the general public, and training was provided to public officials. Campaigns were also conducted in schools and universities and a public information website was being developed to further highlight the issues. Civil society organizations were involved in activities being carried out under the plan at the local level. Each year a report on the Government's efforts to combat trafficking

in persons was submitted to the United States Department of State, which then made recommendations for further action. The report and the recommendations were widely disseminated among government departments, civil society organizations and academic institutions with a view to improving cooperation and coordination on the issue.

30. **Ms. Ancheta Castro** (Honduras) said that, as of July 2016, the Ministry of Human Rights, Justice, the Interior and Decentralization had provided human rights training to almost 1,400 civil servants and 4,000 law enforcement personnel. The human rights syllabus for the armed forces had been reviewed, with technical assistance from the United Nations Development Programme and the International Committee of the Red Cross. A human rights procedures guide for the military police had also been produced, and a bill on the use of force had been drafted. In 2015 and 2016, training on human rights and on the use of force had been provided to some 16,000 armed forces personnel. Training on the prevention of torture and other cruel, inhuman or degrading treatment had also been provided.

31. The Office of the National Commissioner for Human Rights, the national human rights institution, maintained its independence and its own budget in accordance with the principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles). The Government had not been informed of why it had been downgraded to "B" status.

32. **Mr. Aguirre Córdova** (Honduras) said that all migrants in transit — including the Haitian migrants to which Mr. Tall had made reference — were issued with a permit on humanitarian grounds, which was free of charge and allowed them five days either to regularize their status in Honduras or to continue their onward journey. In the case of migrants who lacked identity documents and whose countries of origin did not have consular representation in Honduras, the National Migration Institute corroborated their information through diplomatic channels, after which they were granted a humanitarian permit. Their freedom of movement was not restricted while their permits were being processed.

33. Examples of the administrative sanctions imposed on migration officials for misconduct ranged from verbal warnings to suspension or dismissal. Migration officials could also be subject to criminal sanctions. Two employees of the National Migration Institute were currently in custody awaiting trial for the offence of trafficking in persons.

34. The National Migration Institute had developed a timeline for the formulation of a new migration law, which would pave the way for migrants in an irregular situation to be considered migrant workers and to bring the legislation fully in line with the Convention. OHCHR would assist the Government in drafting the legislation. Under the Constitution, foreign persons enjoyed the same civil rights as Honduran nationals. With that in mind, the National Migration Institute had drawn up a protocol, which incorporated a rights-based approach, concerning access to health care, education and other services for migrants in an irregular situation and members of their families.

35. **Mr. Villanueva** (Honduras) said that Honduran law provided for exceptions to the rules limiting the proportion of foreign workers that an employer could hire and the proportion of the employer's total wage bill that could be paid to those workers. For example, in situations where there were insufficient appropriately qualified or skilled personnel in the local labour market, an employer could hire additional foreign workers. Regarding gender equality, a recent decree had established the principle of equal pay for equal work. It was hoped that the measure, coupled with efforts to bring about changes in social attitudes, would improve the situation for many women workers.

36. The root causes of migration among indigenous peoples and Afro-Hondurans were generally the same as for other sectors of society: poverty, inequality and insecurity. In line

with the State's responsibilities under the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention No. 169 (1989), a bill had been drafted establishing a requirement for prior consultation in respect of any future administrative or legislative measures that might affect indigenous populations in Honduras. It was hoped that through greater consultation with, and participation of, indigenous peoples some of the reasons that might prompt them to migrate would be addressed.

37. **Ms. Medrano** (Honduras) said that the Ministry of Foreign Affairs channelled cases to the Public Prosecution Service in order to ensure access to justice for the families of Honduran migrant workers who had been the victims of crime abroad. In addition, Honduran consular officials assisted Hondurans abroad in filing complaints with the local authorities. She confirmed that it was possible for Hondurans who had temporary protected status in the United States to obtain permanent residence status. Efforts were under way to significantly reduce the duration of the overland journey of Honduran migrants returning from Mexico, which currently took as much as 24 hours. The Government had requested a change to the route, which would reduce the travel time to just eight hours. Field visits had confirmed the viability and security of the proposed new route, but the change would require the agreement of the Government of Guatemala, since the route traversed that country's borders.

38. In recognition of the crucial role of civil society in bringing about lasting change and development in Honduras and across the region, the Government of Honduras, which currently held the presidency pro tempore of the Regional Conference on Migration, had organized a workshop to promote the participation of civil society organizations from all the member countries of the Conference.

39. As to the procedure followed for migrants in holding centres after the expiration of the initial period of 24 to 48 hours, in the case of children and adolescents, an effort was made, in coordination with the United States immigration authorities, to identify family members in the United States who might act as potential guardians so that the child's immigration status in that country could be regularized. Contact was maintained with the child's family in Honduras throughout the process.

40. Lastly, there were numerous organizations and State entities that had developed migration-related projects and programmes. Funding was allocated from the Solidarity Fund for Honduran Migrants to fund those activities.

41. **Mr. Rizzo Alvarado** (Honduras) said that he wished to emphasize the commitment of Honduras to issues relating to migration in general and to the Convention in particular. He pointed out that, during its universal periodic review, Honduras had called on all States to ratify the Convention.

42. **Mr. Ceriani Cernadas** said that the Committee appreciated the complexity of the challenges faced by Honduras, and the region in general, with respect to migration. The root causes of migration were manifold and were themselves caused by a multitude of factors. Widespread violence, for example, had its roots in discrimination and inequality, among other phenomena. The Government's political will to bring about change and to improve the situation of migrant workers from and in Honduras was undeniable, and the Committee would endeavour to formulate a set of concluding observations that would assist it in doing so. The Committee stood ready to work with the Government in implementing its recommendations.

43. **Ms. Ladjel** said that she wished to thank the delegation for the rich and constructive dialogue. She had noted the Government's desire to improve the situation of migrants and hoped that it would redouble its efforts on the basis of the Committee's recommendations. Solutions to some of the challenges the country faced might be found through greater regional cooperation. The situation of unaccompanied migrant children was of particular

concern. She had high hopes that the State party would make progress in that area before the submission of its next periodic report.

44. **Mr. Carranza Discua** (Honduras), affirming his Government's commitment to the rights enshrined in the Convention, said that human migration should be viewed as an opportunity, since it contributed to the economic and social development of countries of destination, transit and origin. Migration had myriad causes, including poverty, violence and natural disasters. Durable solutions to the challenges associated with migration would therefore necessitate structural, institutional and cultural changes. Bringing about those changes would require the active participation of all sectors of society, coupled with international support. Only thus could Honduras achieve a future free of poverty, violence and insecurity.

The meeting rose at 12.55 p.m.